

March 22, 2017

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 Twelfth Street, S.W.
Washington DC 20554

Re: WC Docket Nos. 15-69 et al.

Dear Chairman Pai,

We write today to follow up on a waiver petition request on behalf of Westelcom Network, Inc., a rural carrier based in the Adirondacks that provides broadband to six counties across northern New York. We are concerned that the failure to act promptly in this matter will directly harm the rural areas served by Westelcom.

In 2012, the Census Bureau for the first time included the Fort Drum military base as within the township of Watertown, New York — one of Westelcom’s major service areas. The inclusion of this military base, which is ineligible for service by Westelcom, caused Watertown to be reclassified from a “rural” to an “urbanized” area. Of course, as anyone who has been there knows, Watertown is far from urban. Even still, because of the new classification, Westelcom no longer meets the definition of rural competitive local exchange carrier (CLEC) under the Federal Communications Commission’s (FCC) rules and has lost its ability to receive the “rural exemption” rate for its interstate switched access services as provided under the FCC’s *2011 Transformation Order*. The impact of this bureaucratic mistake on Westelcom has resulted in a nearly 96 percent flash cut in anticipated revenue.

Approximately one year ago, we wrote to then-Chairman Wheeler urging the FCC to grant a limited waiver petition for Westelcom with respect to 47 C.F.R. § 61.26(a)(6) of the FCC’s rules — which defines rural CLECs. Due to our efforts and those of our staff, an agreement was reached that would phase down Westelcom’s use of rural CLEC rates as they transition to the price cap rates. With this reprieve, Westelcom could then continue to provide voice and broadband services to the rural areas of the New York. The wind-down period would also ensure equal funding to the company vis-à-vis its competitors, who never confronted the flash rate cut that Westelcom has experienced. Although the compromise order was circulated in December of 2016, the FCC has not taken official action on it.

We worry that continued delays in the waiver approval could further diminish the company’s ability to compete, force downsizing, and add to the ongoing risk to the company. Its customers — our constituents in a rural area that desperately needs broadband — will be the ones who ultimately suffer. As a small business, the impact of this loss in revenue for Westelcom — and the resulting impacts on the customers it serves — will be devastating, especially when compared

to the much larger carriers with which Westelcom competes. Located in the rural North Country of New York, Westelcom is the lead fiber-based provider in the area. Through their broadband network investments, Westelcom has become a critical source of communication services to 100 health care facilities, telemedicine networks, municipalities, and education facilities. The relief requested in this waiver petition is consistent with the Commission's goal of investing in rural broadband and supporting the advancement of rural telemedicine networks.

Given the importance of this company to the deployment of broadband in the area, we ask that you swiftly review this petition and grant the waiver request. In doing so, please utilize our staff to ensure the process moves as expeditiously as possible.

Sincerely,



Charles E. Schumer
United States Senator



Kirsten Gillibrand
United States Senator



Elise M. Stefanik
Member of Congress



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

May 3, 2017

The Honorable Kirsten Gillibrand
United States Senate
478 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Gillibrand:

Thank you for your letter regarding the petition filed by Westelcom Network, Inc. (Westelcom) for a limited waiver of the Commission's rules concerning the definition of a rural competitive local exchange carrier.

My top priority at the Commission is closing the digital divide and bringing new opportunities to rural Americans who have been waiting far too long for high-speed Internet access. I am pleased to report that the Commission has adopted with a unanimous vote an order granting this petition from Westelcom—an order that I hope will empower Westelcom to provide high-quality services to those who need them. I am attaching with this letter a copy of the adopted order providing relief for Westelcom in these extraordinary circumstances.

Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in blue ink, reading "Ajit V. Pai".

Ajit V. Pai

Enclosure



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

May 3, 2017

The Honorable Charles E. Schumer
United States Senate
322 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Schumer:

Thank you for your letter regarding the petition filed by Westelcom Network, Inc. (Westelcom) for a limited waiver of the Commission's rules concerning the definition of a rural competitive local exchange carrier.

My top priority at the Commission is closing the digital divide and bringing new opportunities to rural Americans who have been waiting far too long for high-speed Internet access. I am pleased to report that the Commission has adopted with a unanimous vote an order granting this petition from Westelcom—an order that I hope will empower Westelcom to provide high-quality services to those who need them. I am attaching with this letter a copy of the adopted order providing relief for Westelcom in these extraordinary circumstances.

Please let me know if I can be of any further assistance.

Sincerely,

Ajit V. Pai

Enclosure

P.S. Senator, I appreciate your advocacy on behalf of upstate New York - most recently on this matter. My office particularly enjoyed working with Beatrice on this matter, and of course the always-dedicated Becca



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

May 3, 2017

The Honorable Elise Stefanik
U.S. House of Representatives
318 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Stefanik:

Thank you for your letter regarding the petition filed by Westelcom Network, Inc. (Westelcom) for a limited waiver of the Commission's rules concerning the definition of a rural competitive local exchange carrier.

My top priority at the Commission is closing the digital divide and bringing new opportunities to rural Americans who have been waiting far too long for high-speed Internet access. I am pleased to report that the Commission has adopted with a unanimous vote an order granting this petition from Westelcom—an order that I hope will empower Westelcom to provide high-quality services to those who need them. I am attaching with this letter a copy of the adopted order providing relief for Westelcom in these extraordinary circumstances.

Please let me know if I can be of any further assistance.

Sincerely,

Ajit V. Pai

Enclosure

P.S. Congresswoman, thanks for your work on behalf of the 2nd District! It was a particular pleasure for our office to collaborate with Courtney and Tom to reach a good result on this matter.